

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Greg Finch	Team: Squad #14	CCRB Case #: 201604634	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/28/2016 9:30 AM	Location of Incident: 42nd Precinct stationhouse	Precinct: 42	18 Mo. SOL 11/28/2017	EO SOL 11/28/2017	
Date/Time CV Reported Tue, 05/31/2016 4:06 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 05/31/2016 4:06 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Sasha Brugal	07856	942463	042 DET
2. DT3 Frankie Hernandez	2194	940254	042 DET

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Ivonne Mercado	960	940467	042 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Frankie Hernandez	Discourtesy: Detective Frankie Hernandez spoke discourteously to § 87(2)(b) and § 87(2)(b)	
B.POF Sasha Brugal	Discourtesy: Police Officer Sasha Brugal spoke discourteously to § 87(2)(b)	
C.DT3 Frankie Hernandez	Abuse: Detective Frankie Hernandez refused to provide his name and shield number to § 87(2)(b)	

Case Summary

On May 31, 2016, § 87(2)(b) filed a complaint via telephone with the CCRB.

On May 28, 2016, § 87(2)(b) travelled to the 42nd Precinct stationhouse with her sons § 87(2)(b) and § 87(2)(b) to retrieve § 87(2)(b)'s property which had been vouchered in regard to § 87(2)(b)'s earlier arrest. Inside the stationhouse, § 87(2)(b) asked Sergeant Ivonne Mercado at the front desk for the names and shield numbers of officers involved with § 87(2)(b)'s arrest and processing. § 87(2)(b) spoke with Detective Frankie Hernandez and Police Officer Sasha Brugal of the 42nd Precinct Detective Squad when they returned § 87(2)(b)'s property. Det. Hernandez and PO Brugal both allegedly used profanity with § 87(2)(b) and § 87(2)(b) (**Allegations A and B**). § 87(2)(b) asked Det. Hernandez and PO Brugal for their names and shield numbers. PO Brugal provided her name and shield number, and Det. Hernandez allegedly did not (**Allegation C**). § 87(2)(b) requested Det. Hernandez's shield number from Sgt. Mercado and Sgt. Mercado provided Det. Hernandez's shield number to § 87(2)(b). § 87(2)(b) Sgt. Mercado recorded § 87(2)(b)'s visit to the stationhouse in a Command Log entry (BR 01).

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) and § 87(2)(b) declined mediation.
- As of August 26, 2016, there has been no Notice of Claim filed with the NYC Comptroller's office regarding this incident (BR 02).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- § 87(2)(b) does not have any prior CCRB complaints (BR 06).
- § 87(2)(b) and § 87(2)(b) have one other CCRB complaint § 87(2)(b).
- Det. Hernandez has been a member of the NYPD for 10 years and has 3 prior CCRB complaints with 3 allegations (see officer history). § 87(2)(g).

- In case #201501952, the Board substantiated an allegation of premises entered and searched and recommended Command Discipline A. The NYPD disposition and penalty was Command Discipline A.
- PO Brugal has been a member of the NYPD for 10 years and has 6 prior complaints with 12 allegations (see officer history). § 87(2)(g) [REDACTED].
- In case #201108049, the Board substantiated a stop allegation and recommended Command Discipline. The NYPD disposition and penalty was Instructions.

Potential Issues

- § 87(2)(b) [REDACTED] declined to provide a sworn statement on the counsel of his lawyer.

Findings and Recommendations

Allegations Not Pleaded

- **Discourtesy – Word:** A discourtesy allegation is not pleaded for § 87(2)(b) [REDACTED]'s allegation that PO Brugal spoke discourteously toward § 87(2)(b) [REDACTED] § 87(2)(g) [REDACTED].

Allegation A – Discourtesy: Detective Frankie Hernandez spoke discourteously to § 87(2)(b) [REDACTED]

and § 87(2)(b) [REDACTED]

Allegation B – Discourtesy: Police Officer Sasha Brugal spoke discourteously to § 87(2)(b) [REDACTED]

and § 87(2)(b) [REDACTED]

According to § 87(2)(b) [REDACTED] told Det. Hernandez that he falsely arrested § 87(2)(b) [REDACTED] and Det. Hernandez responded, “Go fuck yourself” (BR 07). Det. Hernandez then told § 87(2)(b) [REDACTED] “You think you know it all, fuck you and get the fuck out of my precinct.” PO Brugal then also told § 87(2)(b) [REDACTED] to “get the fuck out of the station.”

According to § 87(2)(b) [REDACTED] Det. Hernandez told him, “Go fuck yourself,” “Get the fuck out of my precinct” and PO Brugal also said, “Get the fuck out of the precinct” to § 87(2)(b) [REDACTED] (BR 08).

According to § 87(2)(b) [REDACTED] Det. Hernandez told § 87(2)(b) [REDACTED] to “get the fuck out of the precinct (BR 09). PO Brugal also told § 87(2)(b) [REDACTED] to “get the fuck out of the precinct.”

According to Det. Hernandez, he and PO Brugal did not use any profanity during this incident (BR 10). § 87(2)(b) [REDACTED] was yelling and said, “I want your fucking name” to Det. Hernandez. Det. Hernandez did not recall § 87(2)(b) [REDACTED]'s name and did not recognize her when presented with a photo. Det. Hernandez did not recall speaking with § 87(2)(b) [REDACTED] and did not recognize him when presented with a photo.

According to PO Brugal, Det. Hernandez asked § 87(2)(b) [REDACTED] to, “Please leave the precinct” after she was upset and loud (BR 11). PO Brugal did not use any profanity toward any civilian during this interaction. PO Brugal did not recall if Det. Hernandez used any profanity during this interaction. PO Brugal did not recall if Det. Hernandez spoke with § 87(2)(b) [REDACTED]

According to Sgt. Mercado, she did not hear Det. Hernandez or PO Brugal use any profanity towards the civilians in this interaction (BR 12). § 87(2)(b) [REDACTED] was loud and yelling at the officers during this conversation, but Sgt. Mercado did not hear if Det. Hernandez or PO Brugal asked § 87(2)(b) [REDACTED] to leave the stationhouse.

§ 87(2)(g) [REDACTED]

§ 87(2)(g)

Allegation C – Abuse of Authority: Detective Frankie Hernandez refused to provide his name and shield number to § 87(2)(b)

According to § 87(2)(b) she requested Det. Hernandez's and PO Brugal's shield numbers (BR 07). PO Brugal provided § 87(2)(b) her shield number. Det. Hernandez did not respond to § 87(2)(b)'s request and walked away from her. Sgt. Mercado, who had been standing nearby for the entirety of the incident, looked up Det. Hernandez's information for § 87(2)(b).

According to § 87(2)(b) after § 87(2)(b) said, "I need your guys' badge numbers" to Det. Hernandez and PO Brugal, Det. Hernandez said, "Whatever, you can get it from the desk" (BR 08).

According to § 87(2)(b) Det. Hernandez and PO Brugal responded to § 87(2)(b)'s request for their shield numbers with, "Get the fuck out of the precinct" (BR 09).

According to Det. Hernandez, § 87(2)(b) said to him and PO Brugal, "I want your fucking name" (BR 10). Both officers provided § 87(2)(b) with their names. § 87(2)(b) did not request either officer's shield or badge numbers. Det. Hernandez did not recall § 87(2)(b)'s name and did not recognize her when presented with a photo. Det. Hernandez did not remember if Sgt. Mercado was the desk officer during the interaction.

According to PO Brugal, § 87(2)(b) asked Det. Hernandez and her for their names and shield numbers (BR 11). PO Brugal wrote her name and shield number on a paper provided by Sgt. Mercado at the front desk and gave it to § 87(2)(b). PO Brugal did not recall Det. Hernandez's response to § 87(2)(b)'s request.

According to Sgt. Mercado, § 87(2)(b) asked Det. Hernandez and PO Brugal for their name and shield numbers (BR 12). PO Brugal provided § 87(2)(b) with her name and shield number. Sgt. Mercado did not hear Det. Hernandez's response to § 87(2)(b)'s request. Det. Hernandez then walked to the second floor of the stationhouse. § 87(2)(b) then asked Sgt. Mercado for Det. Hernandez's shield number. Sgt. Mercado called Det. Hernandez on the phone and said, "Listen, she needs your shield" in reference to § 87(2)(b). Det. Hernandez then provided Sgt. Mercado with his shield number, saying "Okay this is my shield," which Sgt. Mercado then told to § 87(2)(b). Sgt. Mercado's entry in the Command Log for this incident read as follows: § 87(2)(b) was present at the stationhouse to make a civilian complaint on Sgt. Chen, PO Brugal, Det. Hernandez, PO Aybar, PO Hoyha. Procedure explained and proper paperwork given to complainant. § 87(2)(b) appeared with a normal behavior. C/V stated officers were discourteous towards her. She refused to file complaint at the precinct. She would rather call CCRB herself. The complainant departed the stationhouse at 11:25 a.m." (BR 01).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

The NYPD Patrol Guide states that officers are required to courteously and clearly state their names and shield numbers to anyone who requests this information of them. NYPD Patrol Guide 203-09 (BR 13).

§ 87(2)(g)

Squad: 14

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date